

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Upon notice of settlement given to the magistrate judge on October 24, 2005 by counsel for the plaintiff,

IT IS ORDERED that:

1. The parties shall file a joint stipulation for dismissal (or other dispositive stipulation) with the clerk of the court which will fully dispose of the case **on or before December 9, 2005**. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a)(1)(ii) and shall state whether the dismissal is with or without prejudice.
2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 68.1.
3. The trial of this matter is cancelled upon representation that the case has settled.
4. The plaintiff's motion for summary judgment (Filing No. 169) is denied as moot.

BY THE COURT

s/Thomas D. Thalken
United States Magistrate Judge